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UNITED STATES PATENT AND TRADEMARK OFFICE

APR 14 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YANG XU and TERESA LECHNER-FISH

Application No. 09/538,455

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 28, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed an Information Disclosure Statement (IDS) on November 20, 2000 (Paper No. 3). It is not clear from the record whether the examiner considered the statement submitted or whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. In addition, appellants filed an Appeal Brief on September 23, 2002 (Paper No. 15). A review of the Brief reveals that there is no copy of the Appendix of Claims on appeal.

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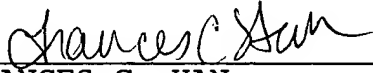
Accordingly, it is

ORDERED that the application is returned to the examiner
for

- (1) consideration of the IDS filed on November 20, 2000
(Paper No. 3),
- (2) notification to appellants in writing of such
consideration,
- (3) notification to appellants to submit an Appendix to the
Brief, and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:


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